

COMMISSIONERS APPROVAL

CHILCOTT *gc*

THOMPSON *at*

LYONS

PLETTENBERG (Clerk & Recorder)

Date.....February 23, 2007

Members Present.....Commissioner Greg Chilcott,
Commissioner Alan Thompson and Commissioner Howard Lyons

Minutes: Sally Fortino

The Board of County Commissioners met for discussion and decision on a 20-year Airport lease for Tin Bender Aviation. Brian Baker was present for the meeting.

Commissioner Thompson said the Board of County Commissioners is in receipt of correspondence from Brian in regard to reasons he had previously presented for/against expanding leases to twenty years from ten years.

Brian said the FAA has a requirement that businesses must have and maintain a list of regulations. In log books references must be checked to FAA regulations. New minimum standards list everything needed for businesses. Federal laws supersede local laws. All is spelled out, allowing customization of businesses. Regulations spell out public access, outside storage, etc. Past experience contributed to his suggestions. He owns his business without any financial encumbrances.

Commissioner Thomson said some of the information had not been provided to the Board of County Commissioners.

Brian asked if they needed to know the financial status of his business.

Commissioner Thompson said they need some rationale for making an exception to the standard lease length. Section 67 gives latitude of up to 40 years for leases, but there would need to be extenuating circumstances before he would support a lease of forty years.

Brian referenced the main document of FAA regulations, saying it states he can work on aircraft under certain conditions. He suggested reading AC 150 on the Internet. This is industry-specific. He offered his time to help with research, as some conditions at the Ravalli County Airport are unique to this airport. He said the new ALP shows some problems: limited public access, people using taxiways as roads, lack of fencing, and

lack of signs. Fencing adds protection. Brian has spoken to some people who would like to set up business at the airport, but refuse to consider an airport without that protection. There is enough small business presently to support the airport, but the airport is not set up for more expansive businesses.

Commissioner Thompson asked if Brian plans to expand his business. Brian said he would like to. His is a support business, which provides fabrication of aircraft parts no longer in existence and restoration of antique aircraft.

Commissioner Lyons said he agreed with the opinion expressed by Commissioner Chilcott in the previous meeting, which would grant a ten-year lease with a ten-year extension.

Brian said the old lease agreements and old documents gave no legal basis for waivers. The new document eliminates those problems. It allows a twenty-year lease for businesses. It encourages development. He said nothing prevents him from moving his business to other property. Old rules allowed longer leases with a note from the bank. The Board of County Commissioners is making business decisions for him. It is imperative to begin with a document that is industry standard. Decisions must be made with documentation and in line with industry standards.

Commissioner Thompson said they have tried to make the airport more efficient, bring it into compliance, and make it more professional. Brian offered his time to assure the Board of County Commissioners get the necessary documentation. He has dealt with schools, operations at airports, and is good at research. Sometimes legal opinions are necessary; but it would be better if that could be avoided.

Page recommended the Board of County Commissioners grant a twenty-year lease.

Commissioner Lyons suggested a ten-year lease with a ten-year extension, which is what the Board of County Commissioners agreed upon at the previous meeting. He said the Commissioners had decided against additional twenty-year leases.

Brian asked if this would be automatic or if reapplication would be necessary. Page said they agreed a twenty-year lease was possible with the approval of the Commissioners, because of the business owners' financial commitment.

Commissioner Thompson asked Brian for the rationale for an extension. He said the Airport had issued some twenty-year leases to some commercial businesses. Those leases were in concert with recommendations from a financial institution.

Commissioner Lyons said he agreed with Commissioner Chilcott's reasoning for a ten-year lease with a ten-year extension. He said Brian should not be treated differently. Brian said the Commissioners should treat him according to the new regulations. He said he is accountable under minimum standards. If he caused problems the standards would

give the Commissioners authority to take necessary measures. All documentation would be in place.

Commissioner Thompson placed a conference call to Commissioner Chilcott in an attempt to break the deadlock. He explained what had taken place in the meeting and stated that Brian felt the Board of County Commissioners is penalizing him because his business is self-owned.

Commissioner Chilcott asked what advice the Airport Board had given. Page said the Airport Board had no problem with the lease.

Commissioner Chilcott said he is concerned with protecting businesses coming to the Valley. There have been some public relations issues at the Airport. The Board of County Commissioners is struggling to keep the public supportive of the Airport. It is a matter of public policy to keep everyone on the same page, to treat everyone the same.

Brian said the new minimum standards are the industry standard. Follow the FAA regulations. He said the document is impressive. It provides for enforcement, legal waivers and exceptions. The FAA provides ways to make rules; documents are industry-specific. They have an advisory circular by which the manager can check how the Airport should be run compared to how it is being run. There are Advisory circulars on dealing with the public. If the Airport were to shut down it would cost Ravalli County millions of dollars. The Airport is a Federal community.

Commissioner Chilcott said there is a political distinction. He understands the Airport community. The Airport is a big issue. To protect the Airport it must be treated the same as everyone else, not as a special interest group. The majority of the public feels that anyone with an airplane is rich. Brian said the new standards combat that thinking.

Commissioner Chilcott said the County Attorney feels the Airport is not generating sufficient revenue. Brian said Advisory circulars show how to increase revenue. Commissioner Chilcott said the Board of County Commissioners does not want to leave a legacy to future Commissioners that we have gone beyond our tenure. Brian said the new standards give all information needed to make decisions and treat people fairly. The new standards allow me to build faith in the community and the Airport.

Commissioner Chilcott said the Commissioners are not giving special treatment to the Airport. Brian said there is a big difference for business; there are allowances for legal waivers for the conditions of his business.

Commissioner Chilcott asked what happens when FAA or the County Attorney say we must raise charges on commercial property at the Airport.

Brian said airports are considered under special use under FAA funding.

Commissioner Chilcott said they are trying to minimize public issues at the Airport. They are trying to protect the Airport community. Brian said the new document does that. It is the industry standard. It points out Federal regulations.

Commissioner Chilcott said the Commissioners have always backed the Airport. He said Brian would not be giving up anything with the 10+10 lease. Brian said the Commissioners have a document brought into law, which gives provisions and exclusions for a twenty-year lease. This is the first time the County has gone through this process. He assumed this Airport would be run under the same standards as others in his experience.

Commissioner Lyons said a time period must be stated. The maximum allowed is twenty years. Brian suggested the difference is semantics.

Commissioner Thompson said he and Commissioner Chilcott share the same opinion. The Board of County Commissioners is still stalemated.

Commissioner Chilcott suggested the Board seek input from EDA.

Commissioner Thompson said they have the support of the Airport Board support. Commissioner Chilcott said the support of a non-aviation entity, which could lend support to economic development at the Airport, would make a stronger case for granting longer leases. These leases would have a caveat that states as standards change so does the lease.

Commissioner Thompson suggested Brian make an appointment to speak with Commissioner Chilcott. The decision made previously stands. There is no change in the decision rendered.

Page presented a request from Bill Steward, Hangar 291, who would like to install an awning over an entrance to his building. Page asked the Board of County Commissioners to grant permission for the minor building alteration.

Commissioner Lyons made a motion to grant permission to Bill Steward to install an awning on his facility at Hangar 291. Commissioner Thompson seconded the motion and all voted 'aye'.